

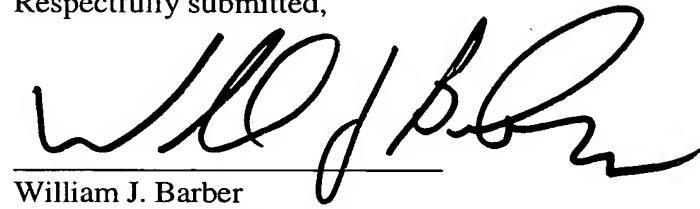
REMARKS/ARGUMENTS

Attached is a terminal disclaimer to overcome the obviousness-type double patenting rejections set forth in paragraphs 6-9 of the Office Action.

Also enclosed is a copy of a Notice of recordation establishing the title of the serial nos. 10/661,254, 10/661,082 and 10/763,995 in the name of CyVera Corporation. Based on the understanding of the undersigned, serial no. 11/206,987 is in the name of CyVera Corporation.

Reconsideration and early allowance of all the claims is respectfully requested.

Respectfully submitted,



William J. Barber
Attorney for the Applicant
Registration No. 32,720

/dap

2 February 2007

WARE, FRESSOLA, VAN DER SLUYS

& ADOLPHSON LLP

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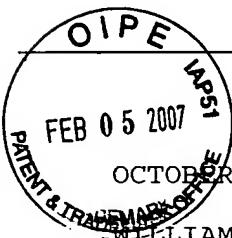
(203) 261-1234

SERIAL N.
10/661, 031



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



OCTOBER 25, 2006

PTAS



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WILLIAM J. BARBER
WARE, FRESSOLA, VAN DER SLUYS & ET AL.
BRADFORD GREEN, BLDG. FIVE
755 MAIN ST., P.O. BOX 224
MONROE, CT 06468

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD
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RECORDATION DATE: 10/13/2006

REEL/FRAME: 018430/0465
NUMBER OF PAGES: 18

BRIEF: CORRECTING CONFIRMATION OF UNDERSTANDING ASSIGNOR/ASSIGNEE
PREVIOUSLY RECORDED AT REEL/FRAME 016660/0237.

ASSIGNOR:

ILLURNINA, INC.

DOC DATE: 10/06/2006

ASSIGNEE:

CYVERA CORPORATION
50 BARNES PARK NORTH
WALLINGFORD, CONNECTICUT 06452

SERIAL NUMBER: 10645689

FILING DATE: 08/20/2003

PATENT NUMBER:

ISSUE DATE:

TITLE: DIFFRACTION GRATING-BASED OPTICAL IDENTIFICATION ELEMENT

SERIAL NUMBER: 10661234

FILING DATE: 09/12/2003

PATENT NUMBER: 7106513

ISSUE DATE: 09/12/2006

TITLE: DIFFRACTION GRATING-BASED ENCODED PARTICLE

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WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON

OCT 31 2006

FILE 714-1-20
ANS'D. WJB

SERIAL NUMBER: 10645686 FILING DATE: 08/20/2003
PATENT NUMBER: ISSUE DATE:
TITLE: DIFFRACTION GRATING-BASED ENCODED MICRO-PARTICLES FOR MULTIPLEXED EXPERIMENTS

SERIAL NUMBER: 10661031 FILING DATE: 09/12/2003
PATENT NUMBER: ISSUE DATE:
TITLE: DIFFRACTION GRATING-BASED ENCODED MICRO-PARTICLES FOR MULTIPLEXED EXPERIMENTS

SERIAL NUMBER: 10661082 FILING DATE: 09/12/2003
PATENT NUMBER: 7126755 ISSUE DATE: 10/24/2006
TITLE: METHOD AND APPARATUS FOR LABELING USING DIFFRACTION GRATING-BASED ENCODED OPTICAL IDENTIFICATION ELEMENTS

SERIAL NUMBER: 10661115 FILING DATE: 09/12/2003
PATENT NUMBER: ISSUE DATE:
TITLE: ASSAY STICK

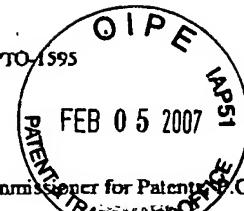
SERIAL NUMBER: 10661836 FILING DATE: 09/12/2003
PATENT NUMBER: ISSUE DATE:
TITLE: METHOD AND APPARATUS FOR ALIGNING MICROBEADS IN ORDER TO INTERROGATE THE SAME

SERIAL NUMBER: 10661254 FILING DATE: 09/12/2003
PATENT NUMBER: ISSUE DATE:
TITLE: CHEMICAL SYNTHESIS USING DIFFRACTION GRATING-BASED ENCODED OPTICAL ELEMENTS

SERIAL NUMBER: 10661116 FILING DATE: 09/12/2003
PATENT NUMBER: 7092160 ISSUE DATE: 08/15/2006
TITLE: METHOD OF MANUFACTURING OF DIFFRACTION GRATING-BASED OPTICAL IDENTIFICATION ELEMENT

SERIAL NUMBER: 10763995 FILING DATE: 01/22/2004
PATENT NUMBER: ISSUE DATE:
TITLE: HYBRID RANDOM BEAD/CHIP BASED MICROARRAY

THERESA FREDERICK, EXAMINER
ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION



REC



103323556

10-2006
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 Please record the attached documentRECEIVED
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OCT 13 2006

10/13/06

1. Name of conveying party(ies): Illumina, Inc.		2. Name and address of receiving party(ies): Name: CyVera Corporation Address: 50 Barnes Park North
3. Nature of Conveyance: Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input checked="" type="checkbox"/> Other: Confirmation of Understanding Execution Date: 6 October 2006		City: Wallingford State: CT ZIP Code: 06452 Country: USA Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Application number(s) or patent number(s): SEE ATTACHMENT A If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s): B. Patent No.(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed: Name: William J. Barber Address: Ware, Fressola, Van Der Sluys & Adolphson LLP Bradford Green, Bldg. Five 755 Main St., P.O. Box 224 City: Monroe State: CT ZIP Code: 06468		6. Total number of applications and/or patents involved: 10 7. Total fee (37 CFR 3.41): \$400.00 <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Charge deposit account <input checked="" type="checkbox"/> Please charge any fee deficiency to deposit account 8. Deposit account number: <u>23-0442</u>
DO NOT USE THIS SPACE		
9. Statement And Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and the attached document is either an original document or a true copy of the original document.</i> _____ Signature _____ William J. Barber Name of Person Signing Customer No.: 4955 Total number of pages including cover sheet(s): Page 1 of 1.		

10/17/2006 MJAMA1 00000038 230442 10645689

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(400.00 DR)

13 October 2006

Date

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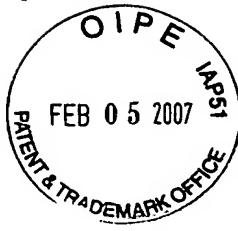
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ATTACHMENT A

OCT 13 2006

Docket Number	Filing Date	Serial Number
714-001.025 (IP-0014)	20 August 2003	10/645,689
714-001.027 (IP-0014A)	12 September 2003	10/661,234
714-001.026 (IP0015)	20 August 2003	10/645,686
714-001.020 (IP0015A)	12 September 2003	10/661,031
714-001.021 (IP0016)	12 September 2003	10/661,082
714-001.029 (IP0017)	12 September 2003	10/661,115
714-001.030 (IP0018)	12 September 2003	10,661,836
714-001.022 (IP0019)	12 September 2003	10/661,254
714-001.023 (IP0020)	12 September 2003	10/661,116
714-001.024 (IP0025)	22 January 2004	10/763,995

12



PTO/SB/25 (09-05)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TERMINAL DISCLAIMER TO OBLIGATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional)

714-1-20 (IP-117)

In re Application of: John A. Moon.

Application No.: 10/661,031

Filed: 12 September 2003

For: Diffraction Grating-Based Encoded Micro-particle for Multiplexed Experiments
CyVera Corporation

The owner, 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number ** (See Below), filed on ** (See Below), as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. _____

Signature

1/26/07

Date

BY: Jay Flatley, President
Chief Executive Officer
and Chief Financial Officer
CyVera Corporation

Typed or printed name

858-202-4500

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

** 10/661,254 (714-1.022/IP-0019)
10/661,082 (714-1.021/IP-0016)
10/763,995 (714-1.024/IP-0025) } , all filed on 12 September 2003
11/206,987 (N/A/IP-0048) , filed 18 August 2005

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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